

H. R. 3817

AN ACT

To amend the Fishermen's Protective Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. AMENDMENT TO THE FISHERMEN'S PROTEC-**
4 **TIVE ACT OF 1967.**

5 (a) Section 3(a) of the Fishermen's Protective Act
6 of 1967 (22 U.S.C. 1973(a)) is amended by inserting after
7 “prompt release of the vessel and crew,” the following: “or
8 when a fee regarded by the United States as being incon-
9 sistent with international law must be paid for a vessel
10 of the United States to transit the waters of a foreign na-
11 tion on a voyage between points in the United States (in-
12 cluding a point in the exclusive economic zone or an area
13 whose jurisdiction is in dispute),”.

14 (b)(1) Section 5 of the Fishermen's Protective Act
15 of 1967 (22 U.S.C. 1975) is amended by inserting after
16 “seizure;” in the title, the following: “or imposition of a
17 fee regarded by the United States as inconsistent with
18 international law”.

1 (2) Section 5(a)(1)(A) of the Fishermen’s Protective
2 Act of 1967 (22 U.S.C. 1975(a)) is amended by inserting
3 after “as a result of the seizure of,” the following: “or
4 imposition of a fee regarded by the United States as incon-
5 sistent with international law on”.

6 (c) Subsections (a) and (b) shall take effect on June
7 15, 1994.

8 (d) Section 7 of the Fishermen’s Protective Act of
9 1967 (22 U.S.C. 1977) is amended—

10 (1) in subsection (c)—

11 (A) by striking the third sentence, and

12 (B) by inserting after the first sentence
13 the following: “Fees may be collected regardless
14 of whether needed to carry out the purposes of
15 subsection (a).”; and

16 (2) in subsection (e) by striking “October 1,
17 1993” and inserting “October 1, 1996”.

18 **SEC. 2. CLEARANCE AND ENTRY OF COMMERCIAL FISHING**
19 **VESSELS.**

20 (a) Not later than 15 days after the date of enact-
21 ment of this Act and at least once each year thereafter,
22 the Secretary of State shall publish a list of those nations
23 that impose fees for transit passage through their waters
24 on commercial fishing vessels registered under the laws
25 of the United States.

1 (b) Not later than 15 days after the publication of
2 the list required under subsection (a), the Secretary of the
3 Treasury shall withhold from commercial fishing vessels
4 registered under the laws of a nation listed under sub-
5 section (a) the clearance required by section 4197 of the
6 Revised Statutes of the United States (46 APP U.S.C.
7 91) for entry into the navigable waters of the United
8 States west of 122 degrees west longitude.

9 (c) Subsection (b) shall not apply to a commercial
10 fishing vessel—

11 (1) that enters the navigable waters of the
12 United States pursuant to a bilateral convention
13 governing fishing for Pacific halibut or albacore
14 tuna;

15 (2) that enters the navigable waters of the
16 United States due to an emergency; or

17 (3) the master of which obtains clearance from
18 the Secretary of the Treasury's designee by phys-
19 ically appearing before the designee at a designated
20 port of entry and paying a fee equal to the fee
21 charged to a commercial fishing vessel of the United
22 States by the nation under whose laws the foreign
23 vessel is registered.

24 (d) The owner or master of a vessel which enters the
25 navigable waters of the United States in violation of this

1 section shall be in violation of section 307(1)(A) of the
2 Magnuson Fishery Conservation and Management Act (16
3 U.S.C. 1857(1)(A)).

4 **SEC. 3. OLYMPIC COAST NATIONAL MARINE SANCTUARY.**

5 Notwithstanding section 304(b) of the National Ma-
6 rine Sanctuaries Act (16 U.S.C. 1434(b)), the designation
7 of the Olympic Coast National Marine Sanctuary and the
8 implementing regulation for that designation, as described
9 in the notice of designation submitted to the Congress on
10 May 11, 1994, shall take effect on July 16, 1994.

11 **SEC. 4. TECHNICAL CORRECTION.**

12 (a) Section 15(a) of Public Law 103–238 is amended
13 by striking “April 1, 1994,” and inserting “May 1,
14 1994.”.

15 (b) The amendment made by subsection (a) shall be
16 effective on and after April 30, 1994.

Passed the House of Representatives July 12, 1994.

Attest:

Clerk.

103^D CONGRESS
2^D SESSION

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